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PTO/SB/05 (2/98)

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UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

Attorney Docket No. 1530.0060004/EKS/EJH

First Inventor or Application Identifier HORTON et al.

Title Treatment of Cancer Using Cytokine-Expressing Polynucleotides and Compositions Therefor

Express Mail Label No.

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☐ * Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)

2. ☒ Specification [Total Pages 169]
(preferred arrangement set forth below)
- Descriptive title of the Invention
- Cross References to Related Applications
- Statement Regarding Fed sponsored R & D
- Reference to Microfiche Appendix
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claim(s)
- Abstract of the Disclosure

3. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 30]

4. ☐ Oath or Declaration [Total Pages _____]

- a. ☐ Newly executed (original or copy)
b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 17 completed)
[Note Box 5 below]

i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR §§ 1.63(d)(2) and 1.33(b).

5. ☐ Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6. ☐ Microfiche Computer Program (Appendix)

7. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)

- a. ☒ Computer Readable Copy
b. ☒ Paper Copy (identical to computer copy)
c. ☒ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))

9. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney

10. ☐ English Translation Document (if applicable)

11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations

12. ☐ Preliminary Amendment

13. ☒ Two (2) Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)

14. ☐ *Small Entity Statement(s) (PTO/SB/09-12) ☐ Statement filed in prior application, Status still proper and desired

15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)

16. ☒ Other: 37 C.F.R. § 1.136(a)(3) Authorization

☐ Other:

*NOTE FOR ITEMS 1 & 14: IN ORDER TO BE ENTITLED TO PAY SMALL ENTITY FEES, A SMALL ENTITY STATEMENT IS REQUIRED (37 C.F.R. § 1.27), EXCEPT IF ONE FILED IN A PRIOR APPLICATION IS RELIED UPON (37 C.F.R. § 1.28).

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment:

☐ Continuation ☐ Divisional ☒ Continuation-in-Part (CIP) of prior application No: 09/196,313

Prior application information: Examiner M. Wilson

Group/Art Unit: 1633

18. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or ☒ Correspondence address below

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NAME (Print/Type) Elizabeth J. Haanes Registration No. (Attorney/Agent) 42,613

SIGNATURE [Signature] Date April 21, 2000

Burden Hour Statement: this form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.
1530.006-4utilitytransm042000cipappl

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**REGISTERED PATENT AGENTS

April 21, 2000

Commissioner for Patents
Washington, D.C. 20231

Box Patent Application

Re: U.S. Continuation In Part Patent Application under 37 C.F.R. § 1.53(b) of
Appl. No. 09/196,313; Filed: November 20, 1998
Appln. No. (To Be Assigned); Filed: (Herewith)
For: **Treatment of Cancer Using Cytokine-Expressing Polynucleotides and
Compositions Therefor**
Inventors: HORTON *et al.*
Our Ref: 1530.0060004/EKS/EJH

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent
and Trademark Office:

1. PTO Utility Patent Application Transmittal Form (PTO/SB/05);
2. U.S. Utility Patent Application entitled:

**Treatment of Cancer Using Cytokine-Expressing Polynucleotides and
Compositions Therefor**

and naming as inventors:

Holly HORTON
Suezanne PARKER
Marston MANTHORPE
Phillip FELGNER
Jukka HARTIKKA

Commissioner for Patents

April 21, 2000

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the application consisting of:

- a. A specification containing:
 - i. 154 pages of description prior to the claims;
 - ii. 14 pages of claims (103 claims);
 - iii. a one (1) page abstract;
 - b. 30 sheet(s) of drawings: (Figures 1-28);
 - c. 38 pages of a paper copy of the sequence listing;
 - d. A computer readable disk copy of the sequence listing;
3. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3) (*in duplicate*); and
 4. Two (2) return postcards.

In accordance with 37 C.F.R. § 1.821(f), the paper copy of the sequence listing and the computer readable copy of the sequence listing submitted herewith are the same.

It is respectfully requested that, of the two attached postcards, one be stamped with the filing date of these documents and returned to our courier, and the other, prepaid postcard, be stamped with the filing date and unofficial application number and returned as soon as possible.

This patent application is being submitted under 37 C.F.R. § 1.53(b) without Declaration and without filing fee.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Elizabeth J. Haanes
Attorney for Applicants
Registration No. 42,613

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

JC675 U.S. PTO
09/557907
04/21/00

In re application of:

HORTON *et al.*

Appl. No. To be assigned (*CIP of 09/196,313*)

Filed: Herewith

For: **Treatment of Cancer Using Cytokine-
Expressing Polynucleotides and
Compositions Therefor**

Art Unit: To be assigned

Examiner: To be assigned

Atty. Docket: 1530.0060004/EKS/EJH

**Authorization To Treat A Reply As Incorporating An Extension Of Time Under
37 C.F.R. § 1.136(a)(3)**

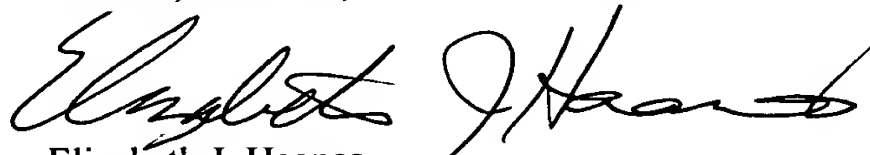
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The U.S. Patent and Trademark Office is hereby authorized to treat any concurrent or future reply that requires a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. The U.S. Patent and Trademark Office is hereby authorized to charge all required extension of time fees to our Deposit Account No. 19-0036, if such fees are not otherwise provided for in such reply. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



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